

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI**

**CASE NO.: 4:21-cv-00408-JAM**

TYLER RODICK,

Plaintiff,

v.

NCS PEARSON, INC.,

Defendant.

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**DEFENDANT’S SUGGESTIONS IN OPPOSITION TO PLAINTIFF’S MOTION FOR  
DEFAULT JUDGMENT, OR IN THE ALTERNATIVE, TO STRIKE**

Defendant, NCS Pearson, Inc. (“Pearson”), by and through its undersigned counsel, hereby submits the following Suggestions in Opposition to Plaintiff’s Motion for Default Judgment, or in the Alternative, To Strike, as follows:

1. On July 9, 2021, Pearson was served via FedEx from the U.S. Marshals Service with a Notice and Acknowledgement of Receipt of Summons and Complaint by Mail (“Notice”). (Doc. 10, pgs. 1, 2, and 4).
2. As outlined in the Notice, Pearson had 21 days from receipt of the Notice to complete and return the Acknowledgement of Receipt of Summons and Complaint (“Acknowledgment”) or risk being required to pay any expenses incurred in serving a summons and complaint in any other manner permitted by law. (Doc. 10, pg. 3).
3. Pursuant to the Notice, Pearson therefore had until Friday, July 30, 2021, to return the Acknowledgment.

4. Pearson Senior Project Manager, Catherine M.C. Griffith, timely signed and returned by Acknowledgment on July 29, 2021. (Doc. 10, pgs. 1, 3).
5. Pursuant to the Notice, Pearson therefore had **21 days from July 29, 2021** – or until August 19, 2021 – to answer Plaintiff’s Complaint or risk judgment by default against it. (Doc. 10, pg. 3).
6. Pearson timely filed its Answer to Plaintiff’s Complaint contemporaneously with these Suggestions in Opposition on August 19, 2021.
7. Contrary to Plaintiff’s contention in his Motion for Default Judgment, or in the Alternative, To Strike, Pearson did not fail to timely file its Answer and was not, and is not, in default. Plaintiff’s motion must therefore be denied, as the Court has no basis upon which to enter default judgment against Pearson or Strike its Answer to Plaintiff’s Complaint.

WHEREFORE, Defendant, NCS Pearson, Inc., respectfully requests this Court DENY Plaintiff’s Motion for Default Judgment, or in the Alternative, To Strike, and for any such other relief as the Court may deem appropriate.

Dated: August 19, 2021

**Respectfully Submitted,**

**HF Law Firm, LLC**

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Attorneys for Defendant NCS Pearson, Inc.

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 19th day of August, 2021, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notice of Electronic filing generated by CM/ECF or via U.S. Mail for those counsel or parties who are not authorized to receive electronic Notices of Electronic Filing.

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### **SERVICE LIST**

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